



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT **PAPER NUMBER**

ART UNIT

12

DATE MAILED:

PAPER NUMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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See Attached

The reply filed on 11/16/00 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

First. Applicant failed to elect a group. **Applicant must elect a single invention for prosecution, even if the requirement be traversed.**

"Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)." Office Action, page 4. Also see MPEP 809.02(a).

Second. Applicant has amended and added claims *without* clearly setting forth how they correspond to the restricted groups. Such an explanation is **required** for all amended and added claims. For example, Claim 2 has been amended such that it now falls within group III instead of Group I, as it now recites that both types of filters are used. Claims 4 and 5 have been amended such that it appears they only fall within group I, as their dependency has been changed and only require a static filter. The Examiner will not re-restrict the application.

Finally: **Applicant has failed to select a species,** as set forth at pages 3-4 of the restriction requirement which clearly states that whichever group is elected, a further species election **must** be made.

"Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election." Office Action, page 4, and MPEP 809.02(a).

As set forth previously at page 5 of the Office Action:

"A fully responsive reply will contain both an election of an Invention, and an election of a species, as required."

Art Unit: 1631

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary K Zeman whose telephone number is (703) 305-7133. The examiner can be reached between the hours of 7:30 am and 5:00 pm Monday through Thursday, and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (703) 308 4028.

The fax number for this Art Unit is (703) 305-7401.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703) 308-0196.

Mary Zeman

mkz
January 23, 2001

MARY K. ZEMAN
PATENT EXAMINER

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